

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CHARLES HADDAD,

Plaintiff,

Case No. 04-CV-74932

-vs-

Hon. ANNA DIGGS TAYLOR

INDIANA PACERS, an assumed name a/k/a PACERS  
BASKETBALL CORPORATION, an Indiana corporation,  
JERMAINE O'NEAL and ANTHONY JOHNSON,

Mag. Judge Donald A. Scheer

Defendants.

---

L.S. CHARFOOS (P11799)  
JASON J. THOMPSON (P47184)  
Attorneys for Plaintiff  
5510 Woodward Avenue  
Detroit, Michigan 48202  
(313) 875-8080/FAX 8522

---

Potter, DeAgostino, O'Dea & Patterson  
STEVEN M. POTTER (P33344)  
Attorney for Indiana Pacers  
2701 Cambridge Court, Suite 223  
Auburn Hills, Michigan 48326  
(248) 377-1700/FAX 0051

LAWRENCE G. CAMPBELL (P11553)  
BRIAN M. AKKASHIAN (P55544)  
RICHARD M. APKARIAN, JR. (P66206)  
Attorneys for Jermaine O'Neal  
500 Woodward Avenue, Suite 4000  
Detroit, Michigan 48226  
(313) 223-3500

MATTHEW F. LEITMAN (P48999)  
HIDEAKI SANO (P61877)  
Attorneys for Anthony Johnson  
840 West Long Lake Road, Suite 200  
Troy, Michigan 48098  
(248) 267-3294/ FAX (248) 879-2001

WILLIAM D. TEMKO [admission pending]  
JOSEPH YBARRA [admission pending]  
Co-Counsel for Jermaine O'Neal  
355 S. Grand Avenue, 35<sup>th</sup> Floor  
Los Angeles, California 90071  
(213) 683-9266

---

**ORDER DENYING DEFENDANT, INDIANA PACERS',  
MOTION FOR PARTIAL SUMMARY JUDGMENT  
REGARDING EXEMPLARY DAMAGES**

At a session of said Court, held in the United States District Court,  
City of Detroit, Wayne County, Michigan, on:  
SEPTEMBER 18, 2006.

PRESENT: HONORABLE ANNA DIGGS TAYLOR  
U.S. DISTRICT JUDGE

This matter having come before the Court for hearing on Monday, September 18, 2006, and the Court being fully advised in the premises. For reasons stated on the record:

NOW, THEREFORE,

IT IS HEREBY ORDERED that Defendant, Indiana Pacers', Motion for Partial Summary Judgment Regarding Exemplary Damages [Doc. # 50] is denied and that the determination whether to instruct the jury regarding exemplary damages will be made at the time of trial.

Dated: October 4, 2006

S/ANNA DIGGS TAYLOR

U.S. District Court Judge

APPROVED BY:

s/L.S. CHARFOOS (P11799)  
s/JASON J. THOMPSON (P47184)  
Attorneys for Plaintiff  
5510 Woodward Avenue  
Detroit, MI 48202  
[lcharfoos@c2law.com](mailto:lcharfoos@c2law.com)  
[jthompson@c2law.com](mailto:jthompson@c2law.com)

s/STEVEN M. POTTER (P33344)  
s/RICK J. PATTERSON (P55706)  
POTTER, DeAGOSTINO, O'DEA & PATTERSON  
Attorneys for Indiana Pacers  
2701 Cambridge Court, Suite 223  
Auburn Hills, MI 48326  
[spotter@potterlaw.com](mailto:spotter@potterlaw.com)  
[rjpatterson@potterlaw.com](mailto:rjpatterson@potterlaw.com)

s/LAWRENCE G. CAMPBELL (P11553)  
s/BRIAN M. AKKASHIAN (P55544)  
s/RICHARD M. APKARIAN, JR. (P66206)  
Dickinson Wright PLLC  
Attorneys for Def. Jermaine O'Neal  
500 Woodward Ave., Suite 4000  
Detroit, MI 48226  
[bakkashian@dickonsonwright.com](mailto:bakkashian@dickonsonwright.com)  
[Rapkarian@dickinsonwright.com](mailto:Rapkarian@dickinsonwright.com)

s/THOMAS W. CRANMER (P25252)  
s/MATTHEW F. LEITMAN (P48999)  
s/HIDEAKI SANO (P61877)  
Miller, Canfield, Paddock & Stone, PLC  
Attorneys for Def Anthony Johnson  
150 W. Jefferson, Suite 2500  
Detroit, MI 48226  
(313) 496-7651  
[cranmer@millercanfield.com](mailto:cranmer@millercanfield.com)  
[Leitman@millercanfield.com](mailto:Leitman@millercanfield.com)  
[sano@millercanfield.com](mailto:sano@millercanfield.com)

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing *Order* was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail disclosed on the Notice of Electronic Filing on **October 4, 2006**.

s/Johnetta M. Curry-Williams  
Case Manager